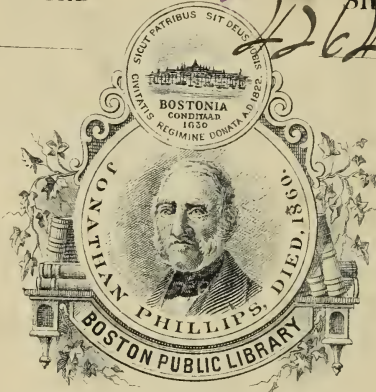




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THE  
JAMAICA QUESTION:

PAPERS

RELATIVE TO THE

CONDITION OF THE LABOURING POPULATION

OF THE

WEST INDIES.

PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND :

1839.

*From the Edinburgh Review, July, 1839.*

BY PERMISSION.

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## THE JAMAICA QUESTION.

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THE events which followed the defeat of the Bill for the temporary government of Jamaica, though they have somewhat damped the interest, have not diminished the importance, of that question. The new measure which the anomalous position of the Ministry, on their return to office, compelled them to introduce, must be regarded as a temporary expedient at best. Should it be carried, it will prevent some very serious evils, but it will not stop the source out of which all evils flow. The quarrel between the Assembly of Jamaica, and the Government and Parliament of Great Britain, springs from an incompatibility of feeling, an opposition of purposes, and an unhappy divorce between constitutional privilege and natural right, which no forms of speech can remove, and which *occasional* exertions of power rather aggravate than allay. It must therefore be expected that the original question (which by the original Bill would have been set finally and happily at rest) will rise again; in what precise shape, it would be rash to predict; but certainly in some shape or other more difficult to deal with than the present. In whatever form it may present itself, however, it is of the highest importance that the Public should be prepared, by a knowledge of what the thing itself is, to resist impressions which are due only to the names by which it may be called. In what motives the opposition to the dropped Bill originated, we do not pretend to say; nor would we hastily presume that the leaders of it were incapable of being imposed on by their own arguments; but of this we are sure, that if the real nature of the question had been generally understood, those arguments could never have prevailed with half the House of Commons. By a review of the debate, it would be easy to remove all the grounds of objection which were then urged; but this would be hardly worth while; for the stock of bad objections is inexhaustible. We prefer to present a plain statement of the circumstances which made the measure necessary; leaving all objections, past and future, to fall away of themselves.

The knowledge of the question with which gentlemen came away from the debate, does not appear to have been considerable. That an Act for the regulation of Prisons in Jamaica was hurried through Parliament, towards the close of last session, with unusual rapidity, attracting little notice and meeting with no opposition; that this Act interfered with certain privileges of the local Legislature; that the Assembly took offence at it, and refused to proceed with their

business until some reparation should be made ; that the reparation which they desired could not be conceded ; that the Ministry proposed, therefore, to suspend their functions at once ; but that Sir Robert Peel thought it better to give them a *locus pœnitentiæ*, and try whether they would not resume their functions when duly warned of the consequences of continuing refractory ;—such, we conceive, would be the best account of the question which an ordinary member of the Opposition could give. Some may know a little more, and some a little less ; but this we take to be the average acquaintance with the subject, in virtue of which the two hundred and eighty-nine gentlemen who voted against the Jamaica Bill, thought it their duty to take the management of the business upon themselves.

Now, if this were all ;—if it were the first time the Jamaica Assembly had taken offence at an Act of Parliament ; if their dispositions and intentions were to be interpreted from this particular act alone ; if there were no points in their past career from which their present direction and future course might be determined ; if the circumstances of the time were ordinary, and could be trusted to regulate themselves ;—in short, if neither the past, nor the present, nor the future, had any bearing upon the question, we should ourselves be inclined to agree with Sir Robert, that the effect of a warning ought to be tried in the first instance. But when we know that this is not the first, nor the second, nor the third time, that they have become refractory upon this very same quarrel ;—that the *locus pœnitentiæ*, in all its shapes, has been already resorted to rather than bring it to a final issue ; that reasoning, entreaty, admonition, intimidation, promises, and large sums of money, have in turn been tried for the chance of avoiding a rupture ; that they have still persisted in their original demand, and shown a fixed determination to be neither begged off, nor reasoned off, nor bought off, from the assertion of what they deem their rights ; that the daring step which they have now taken has not been taken in ignorance or momentary passion, but with the deliberate purpose of cutting short all further evasion, and forcing Parliament to decide the question at once, yes or no ; when we know that the quarrel is not accidental, but inherent in the relation in which the bodies permanently stand towards each other ;—when we remember all this, we cannot consent with Sir Robert Peel, with Lord Stanley, even (strange to say) with Mr. Gladstone, to argue the question without reference to any thing which has gone before. We need make no apology, therefore, for entering upon a history of past transactions, which will be thought irrelevant by those persons alone, who care for nothing in the present question beyond its bearing upon the interests of political parties in this country.

The constitution of Jamaica was framed upon the model of our own—very much as the ‘High life below Stairs’ was framed upon the model of the high life above ; only that, in the latter case,

together with the names of the original, something of its intrinsic properties and relations is retained in the copy; whereas, in the other, they are entirely wanting. The privileges and forms of the House of Commons are transferred to an Assembly representing a constituency of 2000, in a community of nearly 400,000; those of the House of Lords are entrusted to a Council, appointed by the Governor, and removable at his pleasure; the prerogatives of the Crown are vested in a Governor, who has no natural influence or authority in the colony—whose name commands no reverence, whose powers are sufficient to make him obnoxious, without procuring for him either fear or respect; who represents nothing but the policy of the British Government, which, for the last fifty years, the dominant classes in Jamaica have always hated. Such is the parody on the Three Estates, which is now extant in the local constitution of Jamaica. Upon the laws passed by these powers, the Crown has a veto, and Parliament has its transcendental authority over all—an authority not confinable within definite limits, but the exercise of which is generally understood to be an awful thing, not to be resorted to except in extremity.

Now, so long as these several powers were of the same mind on all important questions, they might proceed together harmoniously enough. But it must have been obvious from the beginning, that so soon as a difference of policy should arise between the Assembly and the Home Government, a war of legislation must follow, in which the latter must either give way or call in the aid of Parliament; and that a direct collision must then take place between the local and the imperial Legislature. Accordingly we find, from the Journals of the Jamaica Assembly, that altercations between them and the Government commenced at a very early period, and were renewed from time to time; but that, the matters at issue attracting no national interest, they always succeeded in carrying their point; to their own great profit and triumph, and to the serious inconvenience of the public. But as soon as the agitation of the Slave Trade question, towards the close of the last century, roused the people of England to take a part in the quarrel, it assumed at once a different aspect; and discerning men soon saw that it could end only in one way, and the sooner the better. It soon became apparent that the prospect of inducing the Assembly to conform its policy to that of the mother country, was quite hopeless. All the arts of encouragement were tried in vain. Every step, every pretence of a step, in the right direction, was hailed with delight as a pledge of future progress; every thing was conceded which could be conceded, without abandoning the cause; nothing was insisted on which was not essential; whatever it was necessary to urge, was urged in the tenderest manner, with anxious professions of respect and deference—with unweariable confidence in their good intentions—with patient reasoning. But all was worse than fruitless. Every thing turned into bitterness. The whole conciliatory process served

only to fill them with false ideas of their own importance ; to render them more obstinate in their prejudices, more tenacious of their rights, more reckless in their actions ;—to aggravate the original difference into an abiding system of hostility, which drew away the attention of the Legislature from all public objects, bred nothing but altercation, and made the hopes of a final reconciliation more distant every session. This tendency was so evident from the first, that the process ought to have been cut short long ago. The authority which, it was plain, must be resorted to at last, should have been used at once. So, the disease would not have settled into the constitution, and the civilisation of Jamaica might have commenced half a century the sooner. But distant evils, of which, though we know the magnitude, we do not feel the smart, are most easily dealt with by hoping that they will abate ; and there is probably no hope which will outlive so many disappointments. Thus we have gone on for more than forty years—grieving that each successive effort to secure the cordial co-operation of the Jamaica Assembly had only exasperated their hostility, but still hoping that the next effort would be successful ; and now, in 1839, we are as ready to hope as ever, that a few fair words, and a *locus poenitentiae* would really turn their hearts towards us.

Now, patience is a great virtue ; but, when cultivated at other people's expense, it is apt to be abused ; and hope, indulged beyond a certain point, may become criminal as well as foolish. Let us review the history of our attempts to conciliate the co-operation of the Jamaica Assembly, since the beginning of the great quarrel ; with what forlorn prospects they were commenced ; with what patient perseverance, under what manifold discouragements, they were renewed ; in what mere failure they have all ended ; and let us then ask, whether we have any right to persist in the same course still.

The temper in which a proposal to co-operate for the extinction of the Slave Trade, in 1797, would probably be entertained by the Assembly of Jamaica, might have been inferred from a variety of reports and protests which they had been putting forth during the ten years preceding. Mr. Wilberforce's Bill was denounced, not merely as an invasion of their constitutional privileges, but as an act of spoliation ;—' an absolute breach of the solemn assurances held forth by repeated proclamations and Acts of Parliament, to supply the sugar colonies with labourers from Africa, which must ultimately alienate the minds of his Majesty's subjects in those colonies.\*' But when the hoping faculty is strong, protests like this only act as stimulants. And when, in 1797, the question of immediate abolition was revived, it was suggested by persons friendly to the object, that the Colonial Assemblies would be best able to bring it about. Certain preliminary measures were neces-

\* Resolution of Assembly, 8th November 1792. See Journals, x. p. 120.



sary to prepare the way;—the condition of the slaves must be improved, and the annual decrease of their numbers checked, and then the trade would come to a natural end, to the general benefit of all. But these measures must be left to the local legislatures. The Jamaica Assembly had said, indeed, that the abolition of the trade would certainly ruin them, and that they would resist it by all constitutional means; but they only meant to protest against its being done by the Imperial Parliament:—let them be requested to do it themselves, and those ‘who were best acquainted with their feelings,’ undertook for them that they would cheerfully set about it. The experiment was not a very hopeful one; but, perhaps, it was worth trying for once. And so it was resolved to try it. A recommendation from the King was laid before the Jamaica Assembly, in August 1797, that they should adopt ‘such measures as might appear to them best calculated gradually to diminish the necessity of the slave trade, and ultimately to lead to its final extinction.’\* In December they sent their answer. They had already passed two Bills for the benefit of the negroes; one to increase the efficiency of the clergy, the other to prohibit the importation of Africans above twenty-five years old; they would do more as they saw occasion; but they ‘must at the same time declare that they were actuated by feelings of humanity only, and not with any view to the abolition of the slave trade:’ the right of obtaining labourers from Africa, was an essential right, ‘which they could never give up, nor do any thing that might render it doubtful.’†

Such was the result of the first experiment towards securing the cordial co-operation of the Jamaica Assembly by conciliation. It might have been thought sufficient to extinguish for ever so young and so forlorn a hope. But no! Gentlemen who were acquainted with their feelings, assured the House of Commons that their meaning had been misunderstood: when they said they would never give up the slave trade, they only meant that they would not give it up *for fear of Mr. Wilberforce.*‡ So, conciliation was still to be the order of the day. What they had done was accepted as a pledge of their good intentions; for what they said they meant to do, they were liberally thanked; what they said they meant *not* to do, was overlooked. A year or two was allowed to pass, that the first wound might have time to heal; and then, by way of a gentle stimulant, a series of suggestions was laid before them, concerning the best means of carrying their intentions into effect. They were proposed in the most delicate manner—rather as inquiries for the information of Government, than as hints for their own guidance. But they drew forth nothing except a Report on the general state

\* See Debate on Mr. C. R. Ellis’s motion. Hansard, vol. xxxiii. p. 252.

† Journals, vol. x. p. 99.

‡ Mr. Sewell’s speech, Parl. Hist. vol. xxxiv. p. 531.

of the island, declaring that every thing which could be done for the benefit of the slaves, 'consistently with their reasonable services, and with the safety of the white inhabitants,' had been done already;—that on this point they alone were competent to form an opinion; that the policy of Ministers was unwise, unjust, and cruel; that 'the being supplied with labourers from Africa, for supporting, improving, and extending settlements already made, and also for making new settlements,' was a sacred right, in the defence of which it was their duty to resort to every constitutional measure; and concluding with an intimation that, should the present course be persevered in, they would not be able to raise the taxes from which alone their engagements with the British Government could be made good.\*

Here was another extinguisher. If hope could be defeated by words alone, this should have been enough. But no: they were only words—the outbreak of a natural irritation: only let them alone, and see what they would do. It was plain that nothing could be *said* which would not provoke hostility, but they might perhaps be moved by silence. Silence, however, did not answer. For two years they did nothing which even an agent could represent as tending to follow out the recommendations of the Government; and in the third they did worse. In 1802 they passed an Act to prevent unlicensed preaching; the intention and practical effect of which was to silence the missionaries;—to cut off all the moral and religious instruction which could really find its way to the heart of the slave. The system of saying nothing, therefore, proved the greatest failure of all: bad deeds were worse than bad words. It was next determined to try the effect of a definite recommendation, backed by the show of authority. In signifying the disallowance of the Act in question, as contrary to all principles of toleration, Lord Camden forwarded, for the information of the Assembly, the draft of a Bill which, if passed in Jamaica, would be confirmed by the Crown. If the recommendations of Government were to have any influence with them whatever, such a communication would at least be entertained with respect. But it only called forth a resolution, that the proposition was an unconstitutional interference with the appropriate functions of the House, 'which it was their bounden duty never to submit to.'†

This at last appears to have been decisive. When their friends in England found that seven years' conciliation had procured no measure affecting the condition of the slaves, except one to their disadvantage;—when they found that the Slave Trade was going on with greater activity than ever, and was as far as ever from its termination; when they found that general intimations of the wishes of Parliament produced nothing but flat refusals to comply with them; that specific inquiries were treated with neglect, specific

\* Journals, vol. x. p. 416.

† Ibid. vol. xi. p. 287.

recommendations rejected as dictation—they do seem to have inferred that cordial co-operation for the suppression of the Slave Trade was not to be obtained by that process. They agreed therefore to abolish it at once.

Such was the grand result of the first series of attempts at conciliation. The trade was abolished in 1807. Why should it not have been abolished in 1792? The slave population was not worse prepared for it; the Colonial Assemblies could not have been worse disposed to co-operate; fifteen years would not have been lost; hundreds of thousands of Africans would not have been imported into the West Indies; the difference between the Jamaica Assembly and the Government would not have been fretted into a never-ending quarrel, which has now become part and parcel of its constitution.

The immediate result of the Act was, of course, a furious protest, with threats of resistance. Unless their grievances were redressed, (that is, unless the Act were repealed, full compensation granted for all losses and disappointments, military protection provided at the expense of the mother country, and all pretensions to interfere with their internal government and affairs abandoned by Parliament,) they could not again vote the usual provisions for the troops; and in the mean time all grants for public buildings, barracks, &c., would be suspended.\* All this was very properly received in silence. It was hoped that the cause of quarrel was now removed. The supply of slaves being stopped, the planters must, for their own sakes, improve the condition of the existing stock; and their interests might be safely left to the Assembly and to time. This new hope seemed more reasonable than the last; but that it was not the less to be disappointed, the very next proceeding of the Assembly plainly showed. A Bill for the prevention of unlicensed preaching, (framed, we presume, on the model of Lord Camden's draft,) was brought in and rejected. They had not given up their own measure yet; and they were resolved that, by fair means or by foul, the disallowed law should still be the law of Jamaica. They therefore passed an Act, such as it had been usual to pass from time to time, consolidating in one all former laws for the order and government of slaves; and in the middle of this Act they silently inserted a proviso which had never been inserted before, namely, 'that no methodist missionary, or other sectary, or preacher, should presume to instruct the slaves, or to receive them in their houses, chapels, or conventicles of any sort or description.' This Act became law in Jamaica in November 1807, but was not forwarded to England in the usual course. As soon as it did arrive, it was of course disallowed, and (the better to provide against the repetition of such an act of treachery) the governor was forbidden to sanction any

\* Journals, vol. xi. p. 600.



Bill touching on religious liberty, unless it contained a clause making it inoperative until specially confirmed by the Crown.\*

Here, again, was a case from which the hopelessness of getting any good out of the Assembly might have been learned. If the wishes and recommendations of the Government, acting in accordance with the known views of Parliament, were to have any weight with them, this surely should have been decisive. Yet, mark the result! They promptly resolved that this new instruction was 'a violation of their birthrights;'—they had an indefeasible right to enjoy the immediate operation of such Acts, 'without the same being suppressed in their progress to his Majesty by the arbitrary fiat of a minister,' (meaning the Governor's veto)—they would not submit to this—they would grant the usual provision for the troops for one quarter more; but after that, unless their grievances were redressed, (*i. e.* unless the instruction were withdrawn) they would refuse it.† This was a little too much, and that Assembly was dissolved. It would appear, however, that nothing is gained by dissolutions in Jamaica. The new Assembly, indeed—so decidedly did Lord Liverpool refuse to withdraw the instruction—durst not *openly* re-affirm the original resolution. They intimated their dissatisfaction, and re-asserted their right; but said nothing about the supplies.‡ They had, however, one trick left; and they were silently resolved not to be beaten. They passed a new Bill for the prevention of unlicensed preaching, containing the same forbidden and now twice-rejected provisions; on the 14th of November (by what art we cannot learn) they obtained the Governor's assent to it;§ and on the 15th they consented to vote the supplies for the troops!||

Such are the manœuvres by which a legislature 'co-operating' on the spot, may defeat a policy which it disapproves. During the fourteen years which had now elapsed since the Jamaica Assembly was first invited to assist in devising measures for the benefit of the negro population, they had so far prevailed against the direct, the repeated, the strictly constitutional resistance of a strong Government, backed, if necessary, by an overwhelming majority in the House of Commons, that this obnoxious law had actually been in force in Jamaica for separate periods, amounting in all to five years. Yet we are still called upon to seek the accomplishment of our hated purposes, by trusting it to them!

It is perhaps to be regretted that this last act of contumacy did not lead at once to an open and final rupture. But such a quarrel was not forced upon the Government, and they did not choose to seek it. The Assembly, knowing that the law would be disallowed as soon as it reached England, had enacted it for one year only, and it expired a few weeks before the disallowance reached Jamaica.

\* Journals, vol. xii. p. 153.

† Ibid., vol. xii. p. 241.

‡ Ibid. vol. xii. p. 251.

§ Ibid. p. 275.

|| Ibid. p. 277.

They did not venture to renew it. They had found by this time that a fresh season of patience had set in upon the good people of England; and they could best effect their own purposes by avoiding any further collision. The missionaries might be silenced by other means than legal ones. The matter, therefore, was permitted to drop. Session after session the people waited, and the slave code remained unaltered. At last, they became sensible that something more must be done. Eight years had elapsed since the passing of the Abolition Act, and not one of those measures had been adopted by the Jamaica Assembly which their friends had promised, in 1797, that they would adopt at once if they were but asked to do so. In 1815, therefore, Mr. Wilberforce proposed his Slave Registry Bill; and the revived threat of Parliamentary interference reminded them of the expediency of seeming to be doing something for the amelioration of the condition of the negroes. The subject was dealt with in an elaborate Report drawn up towards the close of that year; which is interesting as giving their own account of what they had done for that object, since the matter was first agitated in Parliament. By their own showing, they had done *nothing*. To prove the charge of inattention to the welfare of the negroes groundless, they appeal—to what?—to a succession of Acts for humanizing their condition, raising their morals, enlightening their minds, securing them more effectually against oppression? By no means: no such Acts existed. They appeal to an Act for their better order and government, passed in 1784!—to that Act of which Burke spoke in 1792, when he said—‘I have seen what has been done by the West Indian Assemblies. It is arrant trifling. They have done little; and what they have done is good for nothing, for it is totally destitute of an *executory* principle.’\* To this Act they appeal in 1815, as containing every thing needful for the good of the servile population!†

Mr. Wilberforce’s Bill was, of course, denounced with the usual epithets. But the passion for conciliation had not yet abated. Gentlemen, who understood the feelings of the Colonial Assemblies, were as ready as ever with assurances, which Ministers were as ready as ever to confide in, that in their hearts they were anxious to pass such a Bill. In virtue of these promises the measure was withdrawn, and the subject was recommended to the consideration of the Assembly, with a warning which, since the Abolition Act, had acquired some significance;—namely, ‘that should the recommendation be wholly disregarded, or should some measure be adopted altogether nugatory, however much, in the present agitated state of the population in the West Indies, the interference of the British Parliament was to be deprecated on a question of this description, his Majesty’s Ministers were persuaded that this inter-

\* Burke’s Works, vol. ix. p. 233.

† Journals, vol. xii. p. 791.

ference could not be effectually resisted.\* This was to the purpose. To avoid this dreaded interference, and put off for an indefinite period the adoption of effectual measures, they must at least pretend to be doing something. And let us now enquire how they sped in so novel an enterprise.

First, they passed a Slave Registry Bill, which, though not perfect, was eagerly hailed as a pledge of the best intentions in the world—as the commencement of a new era of justice and liberality. In fact, it was so far from perfect, that it might almost have been described as nugatory. The object was, to prevent the smuggling of slaves into the island: it was to be effected by compelling every owner to send in periodically a return of the names and descriptions of all the slaves in his possession. Of course, the efficacy of the measure depended upon the accuracy of these returns. But this Bill provided no sufficient regulations for identifying the *persons* named in the return; nor any security against the falsification of their *numbers*. A slave-owner, therefore, who intended to increase his stock, could escape detection by simply returning the names of as many slaves as he *expected* to have before the next census. For the purpose in view, this Bill was worth little or nothing. Secondly, they passed a revised Slave Act, containing little new except a clause prohibiting the purchase of slaves by middlemen—a real improvement, though a slight one; and another, enlarging the powers of vestries, as a council of protection for negroes wronged by their masters—a clause practically worthless, because the vestries consisted of masters. Thirdly, they passed an Act for appointing twelve additional curates, making the number of clergy in the island twenty-four—about one clergyman to every 14,000 slaves;—an improvement certainly, but so utterly inadequate, that it could hardly make itself felt as a practical benefit; an admirable *show* measure, but not a working one. Altogether, the improvement was not considerable. Still they were all steps in the right direction, and were hailed with applause as promising marvellous things. The defects in the Registry Bill were ascribed to inadvertance; the *animus* was inferred from the rest. The age of liberality and justice was setting in in earnest, and the people need only wait to hear of the good things that were coming to the negroes. So they waited for *seven years* more; and then they inquired whether any thing had been done; and the answer was, in this as in all former cases, *nothing*.

Now came the question, How long was this to last? Was Slavery, or was it not, to continue for ever? Fifteen years had now passed, since, by the abolition of the Slave Trade, it was supposed to have become the interest of the planters to adopt such measures as might gradually prepare the slave population for freedom; and in Jamaica, at least, no such measures had been taken. In 1823, the prospect

\* Minutes of Assembly, 1816, p. 18.

of ultimate emancipation seemed no nearer than in 1807. Such being the history of former hopes, what mere mockery to renew them now! Surely now, at least, Parliament would assume another tone, and insist upon the preparatory measures being passed at once. But it was not to be so. After so many trials, all ending in disappointment, it was yet determined to try one more. General resolutions were passed by Parliament: specific measures were to be proposed by Government; the Colonial legislatures were to be recommended to adopt them: should they refuse contumaciously, it would be then time to take further measures. Such was the result of Mr. Buxton's motion in 1823. Once more the co-operation of Jamaica was to be sought by conciliation; once more her friends in England came forward with liberal promises on her behalf; once more, let us ask, what was the result?

The result was not long in coming. The resolutions of the House of Commons, indicating the general wishes and views of Parliament, were laid before the Assembly; and were answered by an angry protest, and a flat refusal to comply. '*So long as the right of unqualified legislation was denied*, the House could not yield to any measure proposed for their consideration; however specious the object might be, or however high the authority from which it emanated.\*' Was not this enough? Simple admonition had always been unavailing; to give the admonition weight, you accompany it with a menace; and now you are told that, until that menace be withdrawn, your suggestions cannot even be taken into consideration. Surely if authority is to be used at all, it should be used now.

But no: not yet! That would be to unveil the transcendental majesty—to take the *arcanum* out of the *penetralia*. Gentler methods were not yet exhausted. It was true that argument and persuasion had been tried in vain; true, that suggestions had been rejected as dictation; advice resented as unjustifiable interference; the declared wishes of the Parliament and the people of England entertained with contumely; their resolutions and deliberate determinations answered with defiance;—true, that the show of compliance which the dread of Parliamentary interference had extorted, was too plainly a mere pretence; true, that year after year had passed away since our eyes were opened to the iniquity of the system, leaving us still burdened with the sin, the shame, and the growing danger involved in it—a burden which a word would relieve us from;—but all was not done yet: one course yet remained, 'the *slow* and steady course of temperate but authoritative admonition.'† Here, then, was a new experiment, or series of experiments, to be entered on, which certainly could not be tried out within any assignable period, and might easily be made to last for ever. With a view to the question before us, the results of this experiment

\* Parliamentary Papers, 1824, No. 2, p. 7.

† Mr. Canning's speech in 1824.



(though we have not room to trace them in detail,) are well worth a careful study; for they show us what is to be expected from a body like the Jamaica Assembly, in circumstances very closely resembling those in which it has recently been proposed to place them. The system of conciliation was to be partly abandoned; a series of specific measures was to be proposed to them for adoption, with a fair warning that, in case of refusal, those measures would be forced upon them by the supreme authority of Parliament. The issue of this policy can only lead, we think, to one conclusion—that it ought never to be tried again;—a policy which, under pretence of avoiding an appeal to the transcendental powers of Parliament, escaped none of the evils of such an appeal, while it missed almost all the good; which, under pretence of forbearance and conciliation, bred nothing but controversy the most irritating, and agitation the most dangerous; which, under pretence of securing the co-operation of the Assembly in a work of great moment, urgency, and necessity, did in fact only postpone the commencement of that work for many years; which, after all, left the original evil unsurmounted and unabated;—for the transcendental powers of Parliament had to be appealed to in the end, in circumstances much less favourable than before. We must content ourselves with a hasty review of the principal stages of the controversy.

A copy of a law framed for the Crown Colonies was sent to Jamaica in 1824. The governor, having called the attention of the Assembly to it in two successive sessions, reported (22nd December 1825,) that ‘there was no hope of persuading that House to do any thing effectual for the relief of the slaves.’\* On the 13th of March following, he was instructed by Lord Bathurst to dissolve them. For the information of the new House, eight separate Bills were drawn up, embodying the measures proposed by the Government for their adoption. The new House replied (November 1826,) that such measures, ‘if adopted in that island in their present shape, would not only endanger their lives and properties, but would ultimately terminate in the ruin and destruction of the Colony.’† They felt, however, that something must be done: another flat refusal to do any thing, would be beyond the patience of Parliament. They would, therefore, do something:—‘sincerely actuated by that ardent desire, which had long distinguished the Assembly of Jamaica, to embrace every opportunity of improving the condition of the slave population,’ they passed an Act ‘to alter and amend the slave laws of the island.’ We have now to see what sort of things these gentlemen do when they can no longer persist in doing nothing. Into this new Slave Act, which (though falling far short of what was wanted, and still subject to Burke’s censure—worthless, because destitute of an executory principle) did certainly contain many plausible appearances of improvements upon the old one, they intro-

\* Parliamentary Papers, 1826, (2.) p. 5.

† Ibid., 1828, (1.) p. 60.

duced restraints upon the free communication of religious instruction, which would unquestionably have operated as a great hindrance every where; and might easily be abused into a total and absolute stoppage of all those sources of instruction from which the slaves drew real benefit. But this was to be the price of their approaches—their distant and ineffectual approaches—to a compliance with the wishes of Parliament. Only let the planters have the benefit of the preaching clauses, and the slaves were welcome to all the benefit they could get out of the others. This would never do: the law was disallowed. The reasons were stated by Mr. Huskisson in a long despatch, very liberal of compliments for what had been done—most patient in explanations of what had been left undone,—full of regret at the course which it had been necessary to pursue—and of hope that they would speedily pass another Bill free from those insuperable objections. At the same time the Governor was reminded of the instruction which forbade him to sanction any law infringing on religious liberty, unless it had a suspending clause.\* But the Assembly were not to be argued into liberality, or complimented into co-operation. They resolved that ‘the disallowed law contained every real and substantial improvement which could be adopted with safety to the country and benefit to the slave; they could not (for the purpose of gratifying the Parliament and Government of Great Britain) agree to adopt measures incompatible with the best interests of the colonies; and as the Governor was forbidden to sanction any Bill on the subject of religion unless it had a suspending clause, and *as they would never make a deliberate surrender of their undoubted and acknowledged rights, by legislating in the manner prescribed,* they would not present any Bill respecting the slave population.’† This was in December 1827. Thus the ‘slow and steady course’ had now continued for four years: and the slave law was scarcely better, by a single clause, than it had been in 1784. A long reply to Mr. Huskisson’s objections, and a long rejoinder from him, consumed one season more: and then a change of government made fresh explanations necessary. Sir George Murray, adopting the policy and the tone of his predecessor, pointed out the various measures to which the Government and Parliament were pledged by the resolutions of 1823; and urged them, for their own sakes, at least to pass some measure which might satisfy people that *something* was about to be done; for the people were impatient, and it would be impossible much longer to avoid some efficient and authoritative interference.‡

A few years before, this prospect might have alarmed them. But what did they care for such a threat now, when they had been braving it for the last five years with impunity? The disallowed Bill was brought in again, and passed the House in precisely the same words before, with the difference only of dates; and the

\* Parliamentary Papers, 1828.

† Ibid. 1828, p. 8.

‡ Ibid. 1829. pp. 5—9.

Governor, of course, refused his assent.\* Still, no symptoms of coercion. A new Governor was going out, and perhaps he would find a new people. But Lord Belmore himself could not prevent a third Act from passing, containing the same obnoxious clauses, only more rigorous than before; and Sir George Murray had no choice but to disallow it. Still, however, as if each successive Secretary of State felt bound to reject as irrelevant all the experience of his predecessors, he persevered in hoping that, on reconsideration, the Assembly would abandon their present course;† and when pressed in the House of Commons to say what he meant to do, he seemed to think this quite enough. 'The resolutions of 1823 were, in his opinion, sufficient warrant for him'—to do what? To come down to Parliament for powers to carry them into execution? No—'to continue urging these ameliorating measures as rapidly as they could be urged.'‡ In other words, the 'course of temperate but authoritative admonition' had been pursued for seven years without intermission; nothing had been gained by it, except accumulated proofs of its fruitlessness; *therefore*, it might still go on.

At length, however, this wretched hope was cheered with a brief gleam of encouragement—a lightening before death. In February 1831, a law was actually passed (without the inadmissible clauses,) by which the Ministers were at length able to say, that upon the whole, the existing slave code would be improved. It was accepted, as usual, with many compliments and thanks; and the many defects which *made it utterly inadequate to its professed purposes*, were, as usual, patiently pointed out;—of course, with the usual result. The Assembly declined to hazard any further changes in a law so recently passed.§

There was now no further colour for prolonging the experiment. It was clear that Parliament must either recede from its determination, or prepare to enforce it by some other means; and it was resolved to try whether the co-operation which could not be conceded to reason, to entreaty, or to menaces, might not, after all, be had for money. A new law was framed for the Crown Colonies, embodying all the measures of amelioration which were then thought requisite, and relief from certain fiscal burdens was promised to all the legislative colonies which should adopt them. The strength of the principle so often avowed by the Assembly of Jamaica, and never for a moment receded from—not to endure *dictation* in whatever form it might come—was now to be fairly tested: and it stood the test bravely. The proposition was met by a direct refusal 'to entertain any proposition for the further amelioration of the slave population, *which did not emanate from themselves.*' This determination was communicated by the Governor on the 8th of March 1832, with an intimation that nothing could be gained by a dissolution.

\* Sir J. Keane's Despatch. Parliamentary Papers, p. 10.

† Parliamentary Papers, 1830, p. 35.

‡ Debate of July 13, 1830.

§ Parliamentary Papers, 1832, p. 19.



Thus, in the ninth year of its progress, the 'slow and steady course of temperate but authoritative admonition,' which had been growing slower and steadier every year, at last stood quite still; and the hope of ending the difference without a quarrel was finally extinguished. Surely not too soon! But all its fruits were not yet gathered. Had it led to nothing more than a nine year's postponement of the commencement of a work most urgent and necessary, that fact would have been enough to condemn it. But this was not all. The long vexation of these questions had fretted the Planters into wild and impotent fury. During 1831, Jamaica swarmed with parochial meetings, where language was used, and resolutions were adopted, which filled the slaves with such terror and suspicion—such vague surmises of evil meditated against them by their masters, and of good unjustly withheld—that the next year they rose up in open insurrection.

We might almost stop here, and leave Sir Robert Peel and his *locus pœnitentiæ* to be judged by the very example to which he had the simplicity, or the hardness, to appeal. A course of treatment is tried for the cure of an enormous and admitted evil; for eight years it produces nothing but barren controversy, and in the ninth a rebellion—the evil remaining all the while unmitigated. Is this a course of treatment to be tried again? But we must still go on; for another experiment upon the gentler sensibilities of this Assembly was still in store;—another result of experience was to be laid up for our guidance.

For a few years, indeed, it appeared that the last lesson had not been taught in vain. Conciliation was abandoned. Committees of both Houses of Parliament were appointed to enquire into the question; and their report was speedily followed by the Act for the total abolition of slavery throughout the British dominions. The Jamaica Assembly were induced to co-operate in this work, by a clause declaring the compensation money payable only on that condition;—effectual co-operation the condition, Government the judge. Among the innumerable inducements which had been held out with the same view for the last forty years, this, it will be seen, was the first which answered its purpose. A prudent statesman would have been the more careful to keep it in reserve till the work was done. But in this there seemed something ungracious, as implying suspicion; and something impolitic, as tending to check the growth of that friendly feeling which can never thrive under the consciousness of distrust. There were many instances on record (especially in works of fiction) in which a generous nature had won the entire confidence of another heart, by suddenly bestowing all his own; or escaped a fight by simply throwing away his weapon; or changed an inveterate enemy into an eternal friend, by putting himself entirely in his power; and Lord Stanley resolved to try a similar experiment upon the Jamaica Assembly. By paying the money before all the work was done, he could at once give them a clear

proof that he did really confide in the fairness of their intentions; and an excellent opportunity for shewing that his confidence was not misplaced. This was the last experiment. The particulars we need not detail here, as they may be found in a former Number of this Journal;\* but we must briefly notice the result. Out of this very display of unnecessary and misplaced confidence, there grew the necessity for three separate acts of super-legislation; three separate violations of the constitution of Jamaica within the space of three years; and finally, the precipitate, if not premature, breaking up of the whole system. To conciliate the Assembly, Lord Stanley had shut his eyes to many serious defects in their first Abolition Act; and trusted to them for the removal of the rest. In gratitude to Lord Stanley, the Assembly consented to adopt many of his suggestions *for one year*; but after that they were inexorable. They presented a third Bill more objectionable than the first; and with one or other of those Government was to be contented. The second, the partially amended Act, was re-enacted in 1836, by an unanimous Parliament. But this was not the end. Out of the many defects which had been allowed to remain in this Act (Lord Stanley having, from delicacy to the Assembly, refrained from insisting on the removal of them,) there arose that brood of practical abuses and oppressions of which we have all heard too much;—which, in spite of unwearied exertions on the part of Lord Sligo first, then Sir Lionel Smith—in spite of the most earnest representations, remonstrances, and lastly admonitions of the Government—the Assembly would not stir a finger to remedy;—which were allowed to go on month after month, and year after year, unabated, rather aggravated, by the discussion;—which finally set all England in an uproar, and raised a storm of opinion that swept every thing before it; and ended in another Act of ‘super-legislation,’ against which, though most stringent and arbitrary in its provisions, not a single voice was raised in remonstrance. This same clamour it was, that drove the Assembly to abandon the Apprenticeship of their own accord; and lastly, out of the sudden announcement of that resolution, arose the necessity of suddenly passing the very Prisons Act, which has brought every thing to a stand-still.

From all this miserable history of delays, disappointments, and disasters, it must, we think, appear that the quarrel between Parliament and the Jamaica Assembly (whatever may have been the particular occasion of the last outbreak,) is not about the terms of a Despatch or the form of a communication; but about the possession of substantial powers for working effects of great practical moment. They think our whole policy with regard to the negroes wrong, and are determined to defeat it if they can; we think it right, and are determined that it shall prevail. For carrying this policy into effect,

\* Edinburgh Review, No. 134, p. 483.

no means have been left untried; and two only have been successful;—namely, the direct application of authority, and the payment of sterling money. Our money has been already paid away; and the question now is, whether our authority is to be promised away—which, as things at present stand, would be nothing less than an abandonment of our policy. That this is the real condition which the Assembly demand, and that they really mean to be satisfied with nothing less, cannot, we think, be reasonably doubted by any one who, bearing in mind the event which we have already gone through, attends to their words and deeds during the few months which preceded the final rupture.

We have seen how jealous they have always been of interference in all its shapes. Not merely super-legislation by Parliament;—not merely authoritative advice proceeding from the Secretary of State; but even the exercise of the Royal Veto, has always been regarded as a grievance. Since the abolition of slavery, this power has been called for very often; as occasions for fresh legislation, with reference to the negroes (that is, for fresh attempts, on their part, to defeat the policy of this country,) have become more frequent. Towards the end of the apprenticeship, the number of disallowed laws had become so great, as to induce a distinct declaration, that if their power of legislation was to be thus fettered and controlled, it were better they should be deprived of the power at once.\* While they were making this complaint, the Abolition Act Amendment Bill (the history of which is sufficiently familiar to our readers) was passing through Parliament without a dissentient voice. On its arrival in Jamaica, it was received with an indignant protest; as an usurpation of their privileges hardly compatible with their continued existence as a legislative body. It might indeed be enforced; ‘but *there could not be two Legislatures in one state*. If the British Parliament was to make laws for Jamaica, it must exercise that prerogative without a partner; the freeholders of Jamaica would not send representatives to a mock Assembly, nor would representatives be found to accept a service so docked and crippled; the popular branch of the legislature would cease to exist, and, if any taxes were demanded, they must be demanded at the point of the sword.’† Such was *their* feeling with regard to an act which was carried with approbation so undivided, that even Mr. Burge did not hazard a protest against it; and which Mr. Gladstone has since described as ‘not involving any assumption or aggression on the part of the British Parliament, but as only a part of the great compact of 1833.’‡ But, to do the Assembly justice, they have never been wanting in courage, however wanting in all those other qualities without which courage is apt to become a public nuisance; and they now determined to

\* See Report of Committee, dated March 24, 1838: published in the *Jamaica Gazette*, p. 349.

† Protest of Assembly, Parl. Papers, p. 50.

‡ Speech on Jamaica Bill, May 7.

bring the question between them and Parliament to an immediate issue. They resolved to abolish the remaining term of apprenticeship at once; and, having thus got rid of the compact, to make a resolute stand against any further super-legislation. In announcing their intention to pass such a Bill, they took occasion to express an 'anxious hope that they would then be left in the exercise of their constitutional privileges, *without any further Parliamentary interference.*'\* Now, it so happened that another case of this very interference which they so much deprecated, was inevitably brought on by this very announcement. We believe that the consequence was unforeseen, but it was not less unavoidable. It will be remembered that the worst abuses which had arisen under the Apprenticeship law, were owing to the prison regulations; over which the Executive Government had no control.† To transfer the management of all places of confinement, so far as Apprentices were concerned, (and almost all the inmates were Apprentices,) from the parish vestries to the Governor in Council, was one of the main objects of the Abolition Act Amendment Bill. This law was to continue in force so long as the Apprenticeship lasted; and so long, its provisions were stringent enough to prevent any evils that could reasonably be apprehended. But the moment the Apprenticeship expired, those provisions expired with it; and, under his new name of free labourer, every negro who might be committed to a house of correction by any justice of the peace, was in danger of all the collars, chains, cart-whips, and solitary cells, of the familiar application of which, under the management of the parish vestries, such ample evidence had been produced. It was absolutely necessary, therefore, as soon as news came from Jamaica that the Apprenticeship was to cease on the 1st of August by Act of Assembly, to pass through Parliament, without a moment's delay, a fresh Bill to revive those provisions; and such was the object of all that was obnoxious in the Prisons Act—an Act hurried through Parliament, not without notice, though altogether without opposition.

The Assembly saw at once that, now or never, they must make their intended stand. They no sooner met in November, than they resolved that the Prisons Act was illegal, and ought not to be obeyed; and—seeing 'the continued aggressions of the British Parliament, and the confusion and mischief which must result from the present anomalous system of government'—they proceeded to declare, that 'they would abstain from the exercise of any legislative function, except such as might be necessary to preserve inviolate the faith of the island with the public creditor, *until they should be left to the free exercise of their inherent rights as British subjects.*'‡ Upon this, Sir Lionel Smith prorogued them for a few days, that they might

\* 5th June, Parl. Papers, p. 45.

† Edinburgh Review, No. 134, p. 519.

‡ Address, 2nd Nov. Parliamentary Papers, p. 154.



have time for reconsideration ; and, in calling them together again, reminded them of the many measures which it was important to pass, and of the many explanatory communications from the Secretary of State, which he had to lay before them. But it would not do. They wanted no explanations ; they were well aware of the difficulties in which their conduct would place the colony ; but ‘ their legislative rights had been violated, and *so long as those rights continued to be invaded*, they must adhere to their resolutions.’\* As it was plainly impossible for Sir Lionel to promise them either satisfaction for the past, or security against future invasions of these privileges, he could only dissolve them at once. A new Assembly met on the 18th of December ; but their spirit was not changed. They also felt the evils attending their course ; they knew how much laws were wanted ; ‘ but the power was no longer left in their hands to apply the remedy ;’ ‘ their legislative rights had been invaded by Parliament ;’ and ‘ even in their ordinary legislative proceedings they were fettered by an overruling authority’ (meaning the Veto of the Crown :)—they must, therefore, ‘ adhere to the determination which was come to by the late House of Assembly.’†

Now we put it to an unbiassed man, whether the meaning of all this is not as gross and palpable as words and actions can make it. We must be permitted to believe that the Assembly mean neither more nor less than this—that they will not proceed with their work till some security be given them against further Parliamentary interference. We believe that they not only meant to say this, but mean to stand by it ; that nothing short of some assurance of the kind will satisfy them ; that no such assurance can be given which would not be construed into a distinct renunciation of the *right* to interfere ; and that, had the Government pretended to understand their words in any other sense, they would have been justly chargeable with stooping to a miserable and most unseemly quibble, for fear of frankly accepting a challenge which could not have been more frankly offered.

Such, then, being the condition on which alone they offer to resume their functions, the question is, whether it ought or ought not to be complied with ? That it ought to be complied with, no one has ventured directly to maintain ; and only one speaker of note seemed disposed to recommend. Lord Stanley, we think, implied as much ; though it is not easy to disentangle his *argumentum ad rem* from the *argumenta ad homines* in which it is wrapped up. For although he *praised* Sir Robert Peel’s proposal of a *locus pœnitentiæ* backed by a threat, he *recommended* something very different ;—namely, a mode of dealing at once ‘ plain, frank, sincere, and conciliatory :’—conditions which it is plainly impossible to combine in any course which does not involve a promise of non-interference for the future. As Lord Stanley’s personal experience

\* Parliamentary Papers, p. 156,

† Ibid. p. 160.

in dealing with the Assembly gives a peculiar weight to his opinion in such a matter, we must explain our reasons for believing that there never was a time at which such a promise could have been less safely made; or at which a prompt and decided refusal was more urgently called for.

That the interests of all classes in Jamaica urgently called for the enactment of many new laws, adapted to their new relations, will hardly be disputed. The means which have hitherto been available for protecting the mutual interests, and regulating the mutual duties, of the different classes into which society is distributed, and for guiding the labour of the population into profitable channels, have suddenly ceased to exist. Hitherto, seven-eighths of the population have been held under a supervision and control, which provided sufficient securities for the peace of society, the productiveness of capital, the competent supply of labour, the orderly subsistence of the lower classes, the relief of the poor and infirm, and the prevention and punishment of crime. But these ends were attained by sacrificing the freedom of seven-eighths of the population. They must now be secured without that sacrifice. Without interfering with the freedom of locomotion, of speech, of intercourse between families, of assemblage for lawful and inoffensive purposes, of choice of abode—sufficient securities are yet to be taken against crime, riot, vagrancy, squatting, and the like. To the labourer, the profits of his labour are to be secured—to the capitalist, the produce of his capital. For the improvement of the social condition of Jamaica, much more is required—but this much, at least, is necessary for the protection of the mere *rights* of each class.

Now, that these ends are not duly provided for by the existing code of Jamaica, might be proved by reference to the practical working of all her institutions, from her high courts of justice to her parish vestries; for it must be remarked, as one consequence of the long controversy in which she has been engaged with this country, that, pending that controversy, all public objects have been neglected. But a single illustration will be sufficient. The following case may occur at any time;—may be occurring whilst we write.—It is known that the great mass of labourers are tenants-at-will of their former masters, and have no homes but such as belong to them. The manager (having previously given to all or any of the labourers dwelling on the estate, three months' notice to quit—a precaution which, in many cases, has been actually taken) calls on them to enter into a contract, involving heavy duties and small pay, and lasting for a long time. If they consent, they bind themselves to a bad bargain; and in case of any kind of failure to fulfil the entire conditions of it, (*which need not be expressed in writing,*) they may be deprived of all their wages; or imprisoned, with hard labour, for three months in a Jamaica prison, at the discretion of any justice of the peace.\* If they refuse, they are liable, at the discretion of any

\* Contract Law.

two justices, to be summarily ejected from the estate;\* being ejected they may be brought before the nearest justice as vagrants, proved to have been found 'wandering abroad,' homeless;—'not having wherewith to maintain themselves,' and to have 'refused to work for the usual and common wages;'—and sentenced to hard labour in the house of correction for six months.† If they have wandered far from their native parish before they are taken up, they may besides (be they males or females) receive thirty-nine lashes; and so be sent from parish to parish the nearest way to the place they came from; where the original alternative awaits them. Various other mischances might be pointed out to which they would be exposed in the event of their escaping these. But this is enough to show that the existing laws of Jamaica, far from providing adequate protection for the labouring population, may readily be used to deprive almost the whole of that population of their liberty.

Does it, on the other hand, afford sufficient protection for society? Far from it. The police law has expired. The trespass law has expired. There is no law to prevent squatting. The courts of law are so overcrowded with business (350,000 persons having been recently brought within their jurisdiction, in addition to the 50,000 which it formerly embraced,) that the Chief Justice complains of the consequent delay as 'almost amounting to a denial of justice.‡ The prisons are at once badly regulated and insecure; judges are incompetent; juries are corrupt; the colony is deeply in debt, and money is extravagantly dear.

Lastly, does the existing law provide sufficient protection even for the proprietary body, by whom and for whom it was made? We believe that in this also it will be found to fail. We believe that the planting interest has grasped at so much, that it is in imminent danger of losing all. The contract law is so severe, that no one dares to enter into a contract. The ejectment law, connected with the contract law, may be made such an instrument of oppression, that arrangements have been made in some places, by benevolent individuals, to provide independent locations for all labourers who may be ejected from estates. The vagrancy law, boldly executed, is indeed stringent enough to *compel* the peasantry into contracts of service; but, so executed, it would be a tyranny too tremendous to be safely enforced without the aid of soldiers. The local magistracy have so much of the confidence of the planters, that they can enjoy no confidence from the other party.

The effect of all these laws put together, is general discontent, distrust, and alarm. The peasantry feel their liberties insecure. They begin to be unsettled in their thoughts and habits, and anxious to be independent. A few months more of this uncertainty, and we shall see them rapidly drawing off the estates, and estab-

\* Apprenticeship Abolition Act.

† Vagrancy Law.

‡ Parliamentary Papers, I. p. 162.



lishing themselves in independent freeholds; or if any attempt be made to enforce a more rigorous discipline, we may see them marching off in bodies, and taking possession of unoccupied lands, which abound in Jamaica, and where, in the present state of the law, it would not be easy to prevent them from establishing themselves; still less easy to dislodge them when once established;—probably impossible to tempt them back to a life of regular labour.

Such is the state of the law as at present in force in Jamaica; and such it must remain unless the Assembly choose to alter it, or unless Parliament interfere. Is there, then, any reason to hope that the Assembly would consent to make such alterations in the law as are required by the exigency? And is the reason strong enough to justify Parliament in encountering the danger of delay? Surely there is no ground whatever for such a hope. Look back through the last half century. From November 1784, to December 1838, what can you see but bad laws, no laws, nugatory laws, or laws enacted by the Parliament of Great Britain? Has the civilisation of the colony during all these years been advanced a single step by its own agency? Yes, one!—one gleam of light to make the darkness visible! Free people of colour have been admitted, first, to give evidence in the courts of justice; and next, to the same political privileges with their whiter neighbours: yet, even these measures were only conceded for the purpose of strengthening the white interest against the great body of the black. What, then, has happened now to work the sudden conversion of the Assembly? Circumstances have changed; but the dispositions and interests of the planters (their immediate interests at least) remain unaltered. It has been said that their consent to terminate the Apprenticeship before its time, ‘proved them to possess moderation and firmness.’ We say, no: it proved only, that they felt, in common with the proprietary body and their friends in England, that the violence of public opinion could not at that time be safely or successfully resisted. It has been said that ‘their interests are now identified with the interests of the whole community.’ We say, no: it is their interest to oppress the labouring population as much as they can, and as much as they dare; and (only let them have the making of their own laws, and the support of the Government in executing them) they will be able to do much in that way, and will perhaps *dare* still more. It has been urged that their dispositions must have changed with their circumstances. Again we say, no: what their dispositions were in the times of Slavery, the same they continued in the times of Apprenticeship; and every manifestation of their feelings during the last year—reports, protests, addresses, resolutions, debates—show that they continue the same still.

Suppose, then, that between the smiles of Lord Stanley and the terrors of Sir Robert Peel, the Assembly should consent to abandon their present position, and resume their functions:—What will be

the consequence? First, with regard to the protection of the labouring classes, two courses are open to them. They will (unless their spirit is indeed changed, the probability of which, it lies with the assertor to make out) either simply refuse to repeal the existing laws, which have been shown to be utterly insufficient to secure the labourers from a fresh Apprenticeship, deprived of the protection which they enjoyed under the old one; and this would be the most unfavourable case; because a flat refusal would be met at once by suspension or abolition, and there need not be more than ten or twelve months' delay.—Or, secondly, they will have recourse, as in former cases, to evasion and delay. They will pass amendment laws—that is, laws professing to be amended, and really altered. These laws must be sent home, examined, reported on, and disallowed. Then other alterations will be introduced—amendments, perhaps, so far as they go—but still not going far enough to reach the object. The same process must then be gone through again. The existing Vagrancy and Contract Laws might receive successive amendments, for ten successive years, and still be unallowable. Yet all this time there might occur no single period in the controversy at which they could be convicted so clearly as now, of a deliberate determination not to co-operate with the Government for the protection of the newly emancipated population. At this moment, distrust and disapproval of the policy of the mother country are written on every act and every expression; and they have deliberately chosen their own ground to try which is the stronger—which policy is to prevail.

So much for the chance of obtaining adequate laws for the protection of the labouring classes. Now for society. Acting in the same spirit, they will pass a Police Bill speedily enough; but it will contain the same clauses which, on the 11th of April 1838—(in violation of their constitutional privileges—Lord Stanley himself standing by)—were repealed by an unanimous Parliament. Both in the Report of their Committee of the 24th of March 1838, to which we have alluded, and in the debates which followed the announcement of the Amendment Act, the repeal of these clauses is spoken of in terms of complaint, which leave no doubt that they will be obstinately adhered to. Their Police Act, therefore, must be disallowed. Then they will pass a Trespass Act; but it will contain some clause which may be used to prevent labourers from visiting each other's dwellings without the express permission of the overseer. This Act must likewise be disallowed. A law for the prevention of squatting, may easily be made to contain most dangerous and oppressive provisions; and this law must be disallowed like the rest; though it is much wanted even now, and, if the present state of things be suffered to continue, it will soon become indispensable. Again, what will they do for the improvement of the prisons? What do they care about the loathsome condition of these places, or their defective discipline? They can

think of nothing but the violation of their constitutional privileges by the Prisons Act. This Act, therefore, will remain inoperative, so far as the improvement of the system goes, for want of funds.\* Will they agree to provide a new court of law, and a new judge with an adequate salary? Will they take measures to cleanse the existing courts, and invent some new machinery for dispensing equal justice to all complexions? Will they take the election and control of the militia out of hands that are likely to abuse their power?—for if we are prepared for another beginning of the ‘slow and steady course’ of 1823, we should be prepared also for another termination, like that of 1832; and we have not yet forgotten the bloody work in which the Jamaica militia then figured; not in the fight only, but in the courts-martial, regular or at the drum-head, after the fight was over. Will they pass a law declaring the validity of marriages celebrated by dissenters and missionaries? Will they make proper provision for the destitute and aged, without reserving to the planter that quantity of discretion in granting it, which may make the relief an act of indulgence, and the threat of withholding it a means of oppression? Is it not evident that every one of these laws will raise questions for dispute, between two authorities which think differently on all the subjects with which they are connected? Yet the worst of the laws which will be proposed (bad as it will probably be,) may perhaps produce less practical evil than the non-existence of any law at all.

Such, we believe, would be the practical result of any measure which should imply any kind of promise that the system of super-legislation shall hereafter be abandoned. Since the Assembly have declared as distinctly as their gift of speech enables them to do, that they will not be satisfied with any thing less than such a promise; since such a promise would be thus highly inexpedient; and since Jamaica cannot be safely left at this juncture without a legislature of some kind or other—it follows, that they must be dealt with as a body which cannot be satisfied, and ought therefore to be superseded.

For these reasons (for in the foregoing pages we have but explained and justified the allegations contained in the preamble of the defeated Bill)—and to meet promptly an occasion which can ill brook delay—the Ministry proposed to transfer to the Governor and Council, for a limited time, the power of making laws for Jamaica. Such a constitution would have differed from the existing constitution of our Crown colonies in two material points only; three salaried commissioners, selected in England for that office, were to be added to the Council; and all legislative proceedings were to pass more immediately under the supervision of Parliament. It was to last for two years and a half. That such a Government would have been much better, and much more truly representative of the

\* Parl. Papers. (1,) p. 169.



entire people of Jamaica (counting, of course, the 320,000 blacks,) and of her several interests, than any Government she has yet had, or can hope to have under the existing law for many years to come, no one, we presume, can seriously doubt.\* Once admit that Parliament ought not to abandon its authority (and in such a case to hesitate is to give way)—once admit that *some* coercive measure is required,—and the objections to the measure proposed—such as the danger of enforcing it, which is nothing; the fear that it may be *permanently* enforced, which could only be effected by a fresh Act of Parliament; the difficulty of determining whether to call it a penal measure, or a measure of general policy (seeing that it is in fact a measure of general policy, brought on by the misconduct of the parties whose privileges it happens to interfere with)—these and the like objections may be safely left to themselves. The advantages, direct and collateral, which would have flowed from such a measure to Jamaica first, and through her to all our West Indian possessions, would be a more fruitful topic. But it is idle to dwell upon them now, since the occasion for securing them has been so miserably thrown away. The mischief is already done, and will hardly be retrieved. The Bill now before Parliament, if it be allowed to pass, will save something from the wreck. Three important measures will be gained; but the rest is to be left to chance. The management of this most critical time, in which five-sixths of the people of Jamaica are passing from slaves into citizens—in which ‘the full light of liberty is suddenly let in upon the scarcely unsealed eyes;’†—this most difficult and delicate task of securing to the negroes the enjoyment of real freedom, and at the same time making it their real interest, and making them feel and understand that it is their real interest, to remain in the condition of a labouring peasantry in the service of their former masters—a task requiring, if ever any did, both strength, and skill, and zeal—is to be trusted to the present House of Assembly;—a body how qualified at any time for such a task we know too well, and now worse disposed than ever;—irritated by opposition, insolent from a victory over the Government, and emboldened by a belief that Parliament no longer cares, or no longer dares to interfere. Meantime, this very body is standing on the brink of a vast, a sudden, and (cheerfully as our Conservatives regard it,) we must add, a very perilous change. For one or two years more, it will continue to represent the existing constituency of 2000 whites, who were slave drivers a few months ago; the year after, that constituency may be augmented by an overwhelming and rapidly increasing majority of the blacks,

\* The House of Lords has produced, since this was written, an illustrious exception. The Duke of Wellington seriously believes, that under such a Government no white man could have remained in Jamaica! The Duke's authority is fairly against us, we admit. But no authority can give weight to such an opinion.

† Canning in 1823.

who a few months ago were slaves. Who can tell how such a change will work hereafter, or how the temper of the Assembly may be affected by such a prospect now? Thanks to the Conservative party, we have lost the means of watching and guiding the present, and of preparing to meet the future. A competent Legislature on the spot, desiring the real welfare of the whole community, and able not only to make laws but to superintend their operation, and remodify them as occasion may suggest—able to feel their way as they proceed—they will not let us have. For what to them is the good of a distant colony, though linked with the prosperity of a mighty cause, when weighed against the inconvenience of a majority for Ministers! This is our loss. Something, however, we have gained, which may turn to advantage hereafter;—a distinction between the characters of the two political parties which divide the nation, more deep and vital than any which their recent disputes have turned upon. Much as the present Ministry have been taunted with tenacity of office, with over-readiness to sacrifice party measures rather than fall in defending them, and with the slenderness of the differences which separate them from their rivals—we now know that there is at least this difference between the parties—that when the interests of a great colony are at stake, the sacrifice of which will involve no general unpopularity, no loss of party favour, nothing more and *nothing less* than the abandonment of a great public duty, the Whigs will not sacrifice them for the sake of office, and the Tories will.

FINIS.









